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**OFFICE OF PETITIONS****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re PATENT APPLICATION OF

Confirmation No.: 2628

ROBL et al.

Group Art Unit: UNASSIGNED

Appln. No.: 09/995,659

Examiner: UNASSIGNED

Filed: November 29, 2001

Title: GYNOGENETIC OR ANDROGENETIC PRODUCTION OF PLURIPOTENT CELLS  
AND CELL LINES, AND USE THEREOF TO PRODUCE DIFFERENTIATED CELLS AND  
TISSUES

February 27, 2003

\* \* \* \* \*

**RESPONSE TO NOTICE OF INCOMPLETE NONPROVISIONAL APPLICATION  
(FILING DATE NOT GRANTED) AND PETITIONS UNDER §§ 37 C.F.R. § 1.53(e)  
AND/OR 1.137(b)**

Hon. Commissioner for Patents

**BOX DAC****Attn: Office of Petitions**

Washington, D.C. 20231

Adjustment date: 03/18/2003 AKELLEY  
03/03/2003 WARRHAM1 00000010 033975 09995659  
01 FC:1460 130.00 CR

The above-identified patent application was deposited in the United States Patent and Trademark Office on November 29, 2001. On December 12, 2001, Applicants received a "Notice to File Missing Parts of Nonprovisional Application (Filing Date Granted)" indicating that the declaration was unsigned and that a balance of \$65 was due. Applicants timely filed a reply to that Notice on July 12, 2002 with a petition for a five-month extension of time under 37 C.F.R. § 1.136(a).

After Applicants' July 12, 2002 reply, Applicants received on July 29, 2002 a "Withdrawal of Previously Sent Notice" withdrawing the December 12, 2001 Notice, resetting the time period for reply, and enclosing a "Notice of Incomplete Nonprovisional Application" indicating that the drawings had not originally been deposited. Copies of the papers received on July 29, 2002 are enclosed as Attachment A.

Applicants are confused by the multiple Notices, are unsure of the current status of this application, and request that the status of this application be confirmed in the next Office communication. Notwithstanding that confusion, Applicants reply as follows to the July 29, 2002 Notice of Incomplete Nonprovisional Application. Because Applicants are unsure of

the status of the application, this reply includes both a petition to accord filing date under 37 C.F.R. §§ 1.53(e) and 1.181, and, in the alternative, a petition to revive an application abandoned unintentionally under 37 C.F.R. § 1.137(b).

**I. Petition to Accord Filing Date of November 29, 2001**

Responsive to the Notice of Incomplete Nonprovisional Application, Applicants hereby request that this application be accorded its original filing date of November 29, 2001 with drawing figures 1-17 included in the application.

Applicants respectfully submit that drawing figures 1-17, which were identified as missing by the Notice, were submitted on November 29, 2001. Along with this petition, Applicants attach as Attachment B a postcard receipt from the U.S.P.T.O., bearing the U.S.P.T.O. official label and stating that 17 sheets of drawings were transmitted to the U.S.P.T.O. on November 29, 2001. By the policy and standard procedure of the undersigned's firm, the enclosed postcard receipt would have been checked against the documents attached to it by the practitioner signing the transmittal forms as well as by one or more docket clerks before being hand carried to the U.S.P.T.O. by a messenger service. Therefore, to the best of the undersigned's knowledge, the items listed on the enclosed postcard receipt represent an accurate inventory of the documents that were filed on November 29, 2001.

For the convenience of the Office, and to advance the prosecution of this application, Applicants enclose copies of all of drawing figures 1-17 as Attachment C. Moreover, Applicants respectfully submit that the application is entitled to a filing date of November 29, 2001 and entry of the enclosed drawing figures, regardless of whether or not the drawings were originally deposited with the other application papers on that day for the following reasons.

This application is a continuation-in-part of U.S. Application No. 09/697,297 filed on October 27, 2000, which, in turn, claims priority from U.S. Provisional Application No. 60/161,987 filed on October 28, 1999. Both of those prior applications were incorporated into this application by reference in the second paragraph of the specification; the figures of this application and those of 09/697,297 are identical. Therefore, Applicants are entitled to incorporate the drawings into this application and retain the November 29, 2001 filing date, because, even if they were not originally deposited, they form an original part of the application due to the incorporation by reference of the parent application. Accordingly,

Applicants respectfully request that the attached 17 sheets of drawings be entered and the filing date of November 29, 2001 be granted.

The petition fee of \$130 under 37 C.F.R. § 1.17(h) for this petition may be charged to our Deposit Account, No. 03-3975, under our Order No. 15837/277145, for which purpose this paper is being filed in duplicate.

A five-month extension of time was petitioned for when Applicants filed the response of July 12, 2002 to the Notice of December 12, 2001. Because that Notice has been withdrawn at the Office's initiative, Applicants respectfully request that the extension fees that were previously paid in response to the December 12, 2001 Notice be construed to cover the fees for a five-month extension of time (small entity) to respond to the present Notice. However, if any additional fees are due, or Applicants' request to transfer the previously paid fees is denied, then fees may be charged to our Deposit Account under the same Order Number given above.

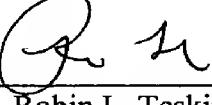
**II. Petition to Revive Unintentionally Abandoned Application Under 37 C.F.R. § 1.137(b)**

If this case has become abandoned, please construe this paper as a Petition to Revive Unintentionally Abandoned Application under 37 C.F.R. § 1.137(b). The petition fee of \$650 (small entity) under 37 C.F.R. § 1.17(m) may be charged to our Deposit Account under the Order Number given above. The entire delay from the due date to the filing date of a grantable petition was unintentional. This paper and its attachments constitute the required reply. No Terminal Disclaimer is required.

Applicants eagerly await a decision on this petition. If any questions arise, the examining Official is invited to contact the undersigned to discuss those questions.

Respectfully submitted,

Pillsbury Winthrop LLP

By: 

Robin L. Teskin

Reg. No.: 35,030

Tel. No.: (703) 905-2200

Fax No.: (703) 905-2500

RLT\AM  
1600 Tysons Boulevard  
McLean, VA 22102  
(703) 905-2000  
Attachments (as stated)



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
09/995,659		James M. Robl	P 277145

909  
PILLSBURY WINTHROP, LLP  
P.O. BOX 10500  
MCLEAN, VA 22102



CONFIRMATION NO. 2628  
WITHDRAWAL NOTICE  
  
\*OC00000008534961\*

Date Mailed: 07/29/2002

**WITHDRAWAL OF PREVIOUSLY SENT NOTICE**

The Notice mailed on 12/12/2001 was sent in error and is hereby withdrawn. A corrected Notice is enclosed. The time period for reply runs from the mail date of the corrected Notice. We apologize for any inconvenience this caused.

**RECEIVED**  
MAR - 6 2003  
**OFFICE OF PETITIONS**

*A copy of this notice **MUST** be returned with the reply.*

J. Hernandez

Customer Service Center  
Initial Patent Examination Division (703) 308-1202  
PART I - ATTORNEY/APPLICANT COPY



## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
 UNITED STATES PATENT AND TRADEMARK OFFICE  
 WASHINGTON, D.C. 20231  
 www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/995,659	11/29/2001	James M. Robl	P 277145

909  
 PILLSBURY WINTHROP, LLP  
 P.O. BOX 10500  
 MCLEAN, VA 22102



CONFIRMATION NO. 2628

## FORMALITIES LETTER



\*OC000000008534975\*

Date Mailed: 07/29/2002

## NOTICE OF INCOMPLETE NONPROVISIONAL APPLICATION

## FILED UNDER 37 CFR 1.53(b)

A filing date has NOT been accorded to the above-identified application papers for the reason(s) indicated below.

All of the items noted below and a newly executed oath or declaration covering the items must be submitted within **TWO MONTHS** of the date of this Notice, unless otherwise indicated, or proceedings on the application will be terminated (37 CFR 1.53(e)).

The filing date will be the date of receipt of all items required below, unless otherwise indicated. Any assertions that the item(s) required below were submitted, or are not necessary for a filing date, must be by way of petition directed to the attention of the Office of Petitions accompanied by the \$130.00 petition fee (37 CFR 1.17(h)). If the petition states that the application is entitled to a filing date, a request for a refund of the petition fee may be included in the petition.

- The application was deposited without drawings. 35 U.S.C. 113 (first sentence) requires a drawing "where necessary for the understanding of the subject matter sought to be patented." *Applicant should reconsider whether the drawings are necessary under 35 U.S.C. 113 (first sentence).*

*A copy of this notice **MUST** be returned with the reply.*

J. Hernandez  
 Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

RECEIVED

MAR - 6 2003

OFFICE OF PETITIONS

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

## PATENT APPLICATION

Inventor(s): ROBL, James et al.  
 Appln. No.: 09 995,659  
 Series Code ↑ Serial No. ↑  
 Filed: November 29, 2001  
 Hon. Commissioner of Patents  
 Washington, D.C. 20231

Group Art Unit Unassigned  
 Examiner: Unassigned  
 Atty. Dkt. P 277145  
 M# Client Ref  
 Appln. Title: GYNOGENETIC OR ANDROGENETIC  
 PRODUCTION OF PLURIPOTENT  
 CELLS AND CELL LINES, AND USE  
 THEREOF TO PRODUCE

09-21-03



Sir:

REPLY/AMENDMENT/LETTER

Date: February 27, 2003

MAR - 6 2003

This is a reply/amendment/letter in the above-identified application and includes the herewith attachment of same date and subject which is incorporated hereinto by reference and the signature below is treated as the signature to the attachment in absence of a signature thereto.

OFFICE OF PETITIONS

FEE REQUIREMENTS FOR CLAIMS AS AMENDED

1. Small Entity claim	For B & C See Required Separate Paper (Pat-256)
A. <input type="checkbox"/> NOT made	
B. <input type="checkbox"/> Withdrawn	
C. <input type="checkbox"/> made herewith	
D. <input checked="" type="checkbox"/> made previously	

	Claims remaining after amendment	Highest number previously paid for	Present Extra	Large/Small Entity	Additional Fee	Fee Code Lg/Sm
2. Total Effective Claims	38	**minus	38	0	x \$18/\$9 =	+ \$0 103/203
3. Independent Claims	4	***minus	4	0	x \$84/\$42 =	+ \$0 102/202
4. If amendment enters proper multiple dependent claim(s) into this application for first time (leave blank if this is a reissue application)			add	+ \$280/\$140 =	+ \$0	104/204
5. Original due Date: February 28, 2003	<input type="checkbox"/> NONE					
6. Petition is hereby made to extend the original due date to cover the date this response is filed for which the requisite fee is attached	(1 mo)	\$110/\$55 =				115/215
	(2 mos)	\$410/\$205 =	+ \$0			116/216
	(3 mos)	\$930/\$465 =				117/217
	(4 mos)	\$1,450/\$725 =				118/218
	(5 mos)	\$1,970/\$985 =				128/228
7. Enter any previous extension fee paid since above original due date and subtract		- \$0				
8.		Extension Fee	+ \$0			
9. If Terminal Disclaimer attached, add Rule 20(d) official fee		+ \$110/\$55	+ \$0			148/248
10. If IDS attached requires Official Fee under Rule 97 (c), or if Rule 97(d) Request	add	+ \$180	+ \$0			126
	add	+ \$180	+ \$0			126
11. After-Final Request Fee per rules 129(a) and 17(r)		+ \$750/370	+ \$0			146/246
12. No. of additional inventions for examination per Rule 129(b)		x \$750/375 ea	+ \$0			149/249
13. Request for Continued Examination (RCE)		+ \$750/375	+ \$0			1179/1279
14. Petition fee for 37 C.F.R. § 1.53(e) and/or 1.137(b)		+ \$130				
15.		TOTAL FEE =	\$130			

Our Deposit Account No. 03-3975  
 (Our Order No. 15837 277145  
 C# M#

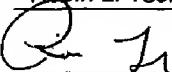
CHARGE STATEMENT: The Commissioner is hereby authorized to charge any fee specifically authorized hereafter, or any missing or insufficient fee(s) filed, or asserted to be filed, or which should have been filed herewith or concerning any paper filed hereafter, and which may be required under Rules 16-18 (missing or insufficiencies only) now or hereafter relative to this application and the resulting Official Document under Rule 20, or credit any overpayment, to our Accounting/Order Nos. shown above, for which purpose a duplicate copy of this sheet is attached.

This CHARGE STATEMENT does not authorize charge of the issue fee until/unless an issue fee transmittal sheet is filed.

Query: Is appeal deadline now? If so, file Notice of Appeals separately.

Pillsbury Winthrop LLP  
 Intellectual Property Group

By Atty: Robin L. Teskin

Sig: 

Reg. No. 35,030

Fax: (703) 905-2500  
 Tel: (703) 905-2200

Atty/Sec: RLT/ksh

NOTE: File this cover sheet in duplicate with PTO receipt (PAT-103A) and attachments